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April 11, 2024

**VIA ECF**

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
40 Centre Street  
New York, New York 10007

**Re: *UMB Bank, N.A. v. Bristol-Myers Squibb Co.*, No. 21-cv-4897-JMF**

Dear Judge Furman,

Plaintiff UMB Bank, N.A., as trustee under the Contingent Value Rights Agreement dated as of November 20, 2019 (“UMB”),<sup>1</sup> and defendant Bristol-Myers Squibb Company (“BMS”) write jointly to respectfully request further extensions of two deadlines in the Civil Case Management and Scheduling Order, as amended (the “Scheduling Order”). ECF Nos. 39, 48, 88.

First, as the result of a previous extension request, the current deadline for the completion of expert discovery is July 29, 2024. The parties jointly respectfully request that the Court further extend the expert discovery deadline until October 30, 2024.<sup>2</sup> Good cause exists for the requested extension based on the anticipated scope of expert disclosures and expert discovery considering the complex issues in dispute. The parties have worked in good faith to efficiently and cooperatively complete fact discovery, resulting in a substantial discovery record that includes roughly 21 million pages of documents and the depositions of 28 party and non-party fact witnesses. With these issues in mind, the parties have negotiated a form of stipulation and proposed order to govern the expert discovery process under which initial expert reports would be served by June 21, 2024, rebuttal expert reports would be served by August 23, 2024, and the remaining expert discovery period would be used for disclosure of supporting materials, as required, and the scheduling of expert depositions, which may be numerous. If the Court approves the proposed extension, the parties will submit their stipulation separately in accordance with the Court’s individual practices.

Second, paragraph 12 of the Scheduling Order calls for the parties to meet in person to discuss settlement no later than 14 days after the close of fact discovery. ECF No. 39. The Court granted the parties’ previous joint request for an extension of this deadline until April 17, 2024. ECF No. 88. However, during that period the parties have been focused on briefing with respect

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<sup>1</sup> BMS disputes that UMB is the trustee, as set forth in its pending motion to dismiss for lack of subject matter jurisdiction.

<sup>2</sup> The parties previously requested an extension of the expert discovery deadline as part of a requested extension of the overall schedule. The original deadline to complete expert discovery was March 29, 2024. ECF Nos. 39, 47.

to the pending motion addressed to subject matter jurisdiction (which was completed last week) and on two remaining fact depositions that were the subject of the previous extension request. The parties therefore respectfully request a further extension of the deadline to hold this in-person meeting until May 17, 2024.

The parties do not currently have a scheduled appearance before the Court.

Respectfully submitted,

/s/ Joshua S. Margolin

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